

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY**

BERKSHIRE GAS COMPANY

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D.T.E. 01-56

**FITCHBURG GAS AND ELECTRIC LIGHT COMPANY'S
PETITION TO INTERVENE**

Pursuant to 220 C.M.R. 1.03(1)(a), Fitchburg Gas and Electric Light Company (“FG&E”) requests that the Department of Telecommunications and Energy (“Department”) grant it leave to intervene as a limited participant in the above-captioned docket.

As grounds therefor, FG&E states:

1. FG&E is a gas company and a distribution company within the meaning of G.L. c. 164, as amended, subject to the Department's regulatory jurisdiction. FG&E serves gas and electric customers in North Central Massachusetts. FG&E is the only combined gas and electric distribution company in the Commonwealth.
2. On July 17, 2001, Berkshire Gas Company ("Berkshire") filed a petition with the Department seeking a general rate increase. Berkshire also seeks Department approval of a performance-based rate ("PBR"), including approval of several sets of service quality ("SQI") measures.
3. Berkshire's filing is the first such PBR filing since the Department issued its most recent order relative to the SQI it expects of its jurisdictional companies. D.T.E. 99-84 (2001). In that Order, the Department reiterated its directive for FG&E to

refrain from filing a PBR for its gas operations for three (3) months following issuance of the Order.

4. Given the Department's recent pronouncements in D.T.E. 99-84 and its directive that FG&E refrain from filing a PBR, any order in this proceeding can be expected to establish standards as precedent for other jurisdictional companies, and FG&E. To the extent that such precedential effect is expected from this proceeding, as FG&E anticipates will be the effect, FG&E is substantially and specifically affected.
5. A Department decision regarding any element of the rate plan set forth by Berkshire, including but not limited to the proposal's consistency with M.G.L. c. 164, as amended, its proposed cast-off rates for PBR, the terms and conditions related to its PBR, any stay-out period and the types and level of measures to be employed for service quality, including the quantification of such measures, will have, and is reasonably expected to have, a direct, substantial and specific impact on FG&E, and its preparation of a PBR and SQI proposal.
6. The Department's Rules permit the grant of limited participation to any person with a substantial and specific interest. 220 C.M.R. 1.03(1)(e). Furthermore, no other party can adequately represent FG&E's interest in this case.

WHEREFORE, Fitchburg Gas and Electric Light Company respectfully requests that the Department of Telecommunications and Energy grant it the right to intervene as a limited

participant in D.T.E. 01-56, and grant such other relief as it may deem just and reasonable.

Respectfully submitted,

FITCHBURG GAS AND ELECTRIC LIGHT COMPANY

By its attorneys,

Scott J. Mueller
Patricia M. French
LEBOEUF, LAMB, GREENE & MACRAE, L.L.P.
260 Franklin Street
Boston, MA 02110
tel (617) 439-9500
fax (617) 439-0341
smueller@llgm.com
pfrench@llgm.com

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